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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,582	08/20/2001	Mohammad Torabi	21994/235784	5639

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EXAMINER

BATURAY, ALICIA

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/933,582

Applicant(s)

TORABI, MOHAMMAD

Examiner

Alicia Baturay

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-19.

Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

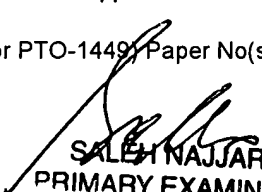
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____


SALEH NAJJAR
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant Argues: "In sum, Cheng et al. disclose a browser program that is able to interact within a 3D environment using a 3D GUI system. Cheng is thus totally different from Applicant's claim[ed] invention as recited in independent claims 1, 9, 16, and 17. A brief description of the system of the present invention describing its basic components follows. A discussion of how these components are caused to interact with each other to create a virtual reality episode between users is then described. Such components and their interaction are not disclosed, suggested, or even implied in Cheng et al."

In Response: In response to applicant's argument the examiner respectfully submits that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., extensive descriptions of a Virtual reality environment User Equipment (VUE), Virtual reality environment Core System (VCS), and virtual reality environment Episode Management Entity (VEME)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However Cheng teaches a VUE described as representing one or more devices used by one or more users (Muse Browser allows users to view and interact with 3D content and other users - see Cheng, col. 4, lines 25-27) to transmit virtual reality data (encoding the data and sending the data across the network to one or many other machines - see Cheng, col. 10, lines 45-47) describing an actual physical environment (APE) (3D visualization rendering of complex, dynamic, 3D worlds - see Cheng, col. 6, lines 61-63) and/or to receive data for establishing a virtual reality environment (VRE) episode (one of the first messages to be transferred to the browser is the current state of the content and then the current state of the neighboring users on the Interactivity Server - see Cheng, col. 17, lines 54-62). Additionally, Chen teaches the VUE capturing (browsing content and communicating with other members - see Cheng, col. 4, lines 45-47) and displaying virtual reality data (the Muse Browser allows users to view 3D content - see Cheng, col. 4, lines 25-27).

Cheng also teaches a VCS described as a backbone system that facilitates establishment of VRE episodes between diverse users (Muse Interactivity Server communicates environment data with Muse Browsers - see Cheng, Fig. 2, element 10; col. 10, lines 35-40 and col. 15, lines 6-9) and APEs (3D visualization rendering of complex, dynamic, 3D worlds - see Cheng, col. 6, lines 61-63) that may be geographically distant (the relationship between the Interactivity Server and the Muse Browsers is described as a client/server relationship which is defined as one where the clients are distributed across different locations - see Cheng, Fig. 11b; col. 3, lines 60-62 and col. 21, lines 51-54).

Cheng further teaches a VEME described as an entity that manages, coordinates, synchronizes, and maintains all of the events and VRE users' links within a VRE episode (Upon connection the Interactivity Server will transfer to the Muse Browser the current state of the content and then the current state of the neighboring users on the Interactivity Server - see Cheng, col. 17, lines 54-62).

Applicant Argues: "The present invention includes many programs running on multiple PC's, which may not be local to one another whereas Cheng provides a client/server (browser) based architecture with the client running a single program GUI on a PC."

In Response: The examiner respectfully submits that Cheng teaches many programs running on multiple PC's (other Muse Browsers - see Cheng, col. 10, lines 35-40), which may not be local to one another (the relationship between the Interactivity Server and the Muse Browsers is described as a client/server relationship which is defined as one where the clients are distributed across different locations - see Cheng, Fig. 11b; col. 3, lines 60-62 and col. 21, lines 51-54).

Applicant Argues: "The French system does not facilitate the setup and conduction of a virtual reality episode in real time as contemplated by the present invention. The present invention provides a system including a user device that captures and displays virtual reality data representing a virtual reality environment to facilitate a virtual reality episode."

In Response: The examiner respectfully submits that French teaches facilitating the setup and conduction of a virtual reality episode (an interactive, virtual reality testing and training system - see French, col. 8, lines 51-52) in real time (testing or training tracks movement in real-time - see French, col. 18, lines 13-16) and a system including a user device that captures and displays virtual reality data representing a virtual reality environment to facilitate a virtual reality episode (the system comprises a three dimensionally defined physical space in which the player moves, and a wireless position tracking system connected to a computer that provides a video signal to a video display - see French, col. 8, lines 54-62)."